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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,473	03/17/2004	Roger S. Cannon	LE-2002-0314.03	4078

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LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
740 WEST NEW CIRCLE ROAD  
BLDG. 082-1  
LEXINGTON, KY 40550-0999

EXAMINER

CHERRY, EUNCHA P

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/802,473

Applicant(s)

CANNON ET AL.

Examiner

EUNCHA P. CHERRY

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2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/17/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18, 21 and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bard et al (5,486,944).

Iseki et al discloses a laser printer comprising: a laser source for producing a laser beam (Fig. 1, 26), a torsion oscillator comprising: a plate member having an upper surface, a lower surface (Fig. 70), and a rotational axis and being located in the path of the laser beam, a frame (62) disposed in a spaced apart relation to the plate member, a torsion spring (64) mount for mounting the plate member on the frame and for yieldably resisting oscillation of the plate member a torsion spring force, a reflective surface (72) disposed on a surface of the plate member for reflecting the laser beam, at least one magnet disposed on the plate (74), and at least one coil (520) for producing an oscillation force on the at least one magnet when an alternating electric current is applied to the at least

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one coil to thereby oscillate the reflective surface about the rotational axis to a rotational angle of oscillation at an oscillation frequency to scan the laser beam through a scanning pattern in at least first and second directions at the oscillation frequency (column 6, lines 1-52), an imaging surface disposed in the path of the scanning pattern so that the laser beam scans across the imaging surface (images that reflects on the reflective surface), a drive mechanism for moving the imaging surface at an imaging surface speed (38), and a control circuit for controlling the electric current provided to the at least one coil to control the oscillator (28). The amount of current applied to the at least one coil is sufficient to oscillate the reflective surface to a predetermined rotational (column 6, lines 14-16) angle with respect to the rotational axis (56). The rotation angle of oscillation is within the claimed range (column 6, lines 5-9 due to language "about" and "plus and minus"). The magnet is mounted on one surface and the reflective surface is formed on the other surface of the plate member (see Fig. 3). The magnet is mounted on the longitudinal axis of the torsion spring mount (see Fig. 3). The laser beam is dimensioned and disposed to overfill the reflective surface and produce a reflected laser beam whose cross sectional

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dimension is defined by the size of the reflective surface (inherent from Fig. 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bard et al in view of Dostal (3,532,408).

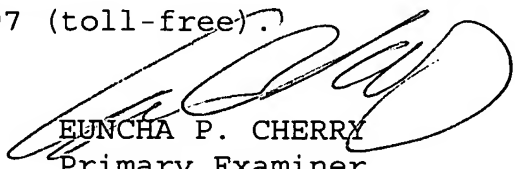
Bard et al discloses the claimed invention as set forth above except that the plate or reflective surface are non-rectangular configuration. Dostal discloses the plate and reflective surface that are non-rectangular configuration (Fig. 9). It would have been obvious to one of ordinary skill in the art to make the plate and the reflective surface that are non-rectangular shape in order to minimize the final weight by eliminating unnecessary segments in the plate and reflective surface.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EUNCHA P. CHERRY  
Primary Examiner  
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